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(703) 816-4005**FACSIMILE COVER SHEET**  
**PLEASE DELIVER IMMEDIATELY!!!!**Our Ref.: 4137-33Your Ref.: USSN 10/808,504 Date: September 26, 2005To: Office of Petitions (William Dixon)Firm: USPTOFacsimile No.: 571-273-8300From: Len MitchardNumber of Pages (including cover sheet): 8  
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PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).lcm  
FACSIMILE OPERATORATTACHMENT/S: Petition for Withdrawal of Abandonment with attached Appendices  
A and B.**MESSAGE:****CONFIDENTIALITY NOTE**

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**SEP 26 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Confirmation No.: 5518

TRIGG et al

Atty. Ref.: 4137-33

Serial No. 10/808,504

Group: 1654

Filed: March 25, 2004

Examiner: Audet, M.

For: SUSTAINED PEPTIDE-RELEASE FORMULATION

\* \* \* \* \*

September 26, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR WITHDRAWAL OF PROVISIONAL  
HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)(1)**

Pursuant to 37 C.F.R. 1.181(a)(1) and MPEP 711.03(c), Applicants hereby petition the Commissioner to withdraw the provisional holding of abandonment mailed September 19, 2005 in regard to the above-captioned application.

During a September 23, 2005 telephone conference between Examiner Audet and the undersigned, it was determined that the Patent Office records show that a Notice of Allowance was mailed on October 6, 2004, setting a due date of January 6, 2005 for payment of the issue fee and publication fee. However, the Notice of Allowance was not received by the undersigned. A search of the file jacket and the docket records indicates that the Notice of Allowance was not received. A copy of the Nixon & Vanderhye P.C. computer docket for this case, along with a copy of the back-up docket book pages for January 6, 2005, where an entry for payment of the issue fee and publication fee would have been docketed if the Notice of Allowance had been

TRIGG et al  
Serial No. 10/808,504  
September 26, 2005

received, are attached hereto as Appendix A and Appendix B, respectively. The computer docket (Appendix A) shows the last document received from the USPTO being the Official Filing Receipt on June 7, 2004. No entry appears in the computer docket for receipt of the Notice of Allowance and no entry appears for this case in the back-up docket book (Appendix B) on January 6, 2005 for payment of the issue fee and publication fee. The computer docket shows a status call-up for September 25, 2005, which would have been satisfied with the submission of a Status Request had the Notice of Allowance not been received by that date. In addition, the computer docket shows a one month call up for October 19, 2005 with respect to the Notice of Abandonment received in the case.

Had Nixon & Vanderhye P.C. received a Notice of Allowance, the computer docket and the back-up docket book would have reflected receipt of such. However, as can be seen from the attached Appendices A and B, there is no indication that a Notice of Allowance was received in this case.

Because the provisional holding of abandonment is in error as the Notice of Allowance was never received by Nixon & Vanderhye P.C., it is respectfully submitted that no fees are necessary to effect withdrawal of the Notice of Abandonment and reinstatement of the application to pending status. However, should any fees be due (it is believed that this should not be required), the undersigned authorizes charging of Deposit Account No. 14-1140, order number 4137-33, in order to effect entry of this Petition, withdrawal of the Notice of Abandonment, mailing of the Notice of Allowance and restarting the period for payment of the issue fee.

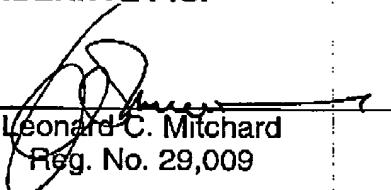
TRIGG et al  
Serial No. 10/808,504  
September 26, 2005

Should there be any question regarding this Petition, the Patent Office personnel in charge of this matter is invited to contact the undersigned at the telephone number listed below.

Favorable action on this application is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

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Attachments: Appendices A and B

PCMaster v3.03.01 - Master Data Center - [Patent]

File Edit Records Utilities Tools Help

Patent Number	4137-0033	Attorney ID	Leonard C. Mitchell	
Country	United States	First Name	Leonard C. Mitchell	
Appln Type	Utility Appln.	Middle Name		
Appln Type	Divisional Appln.	Last Name	Blake Dawson Walkron	
Priority	Non-PCT	Organization	PEPTECH LIMITED	
		Address	31515	
SEARCHING PCT/US20030372624				
Inventors	PCT Publication No.	Related Cases	Tab	Co-Ins Related Case Info
Filing Date	Examiner/Non-Examiner	PAF Product/Con US/Con For	Actions/Date/Date	Mac/Mac/Trans/Abn/Comus
IDS Filed?	6/25/2004	Related Date	Completed?	
File Prel. Amendment	8/4/2004			
IDS Filed	8/4/2004			
Filing Receipt Rec'd?	9/25/2004			
Office Action Received?	3/25/2005			
Status Check C/U	10/19/2005		Abandoned?	
IDS Filed				
Filing Receipt (OFR)				

PCMaster v3.03.01 - Master Data Center - [Patent]

File Edit Records Utilities Tools Help

PCMaster v3.03.01 - Master Data Center - [Patent]

File Edit Records Utilities Tools Help

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PCMaster v1.03.01 : Master Data Center - [Patent]

File Edit Records Utilities Tools Help

Document Number: 4137-0033  
Country: United States  
Type: Utility Appln.  
Divisional Appln.  
Non-PCT  
Priority Date: 09/26/2001  
Filing Date: 09/26/2001  
First Patent Date: 09/26/2001  
Priority Number: 09/591,714  
Filing Number: 10/808,504  
PCT Number: PCT/AU97/00560

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Organization: PEPTECH LIMITED  
Case Number: 91515

SEARCH & RESEARCH RELEASE FORMULATION

Inventor(s): PCT Publication No.: Related Cases: Title: Common Related Case Info:  
Filing Date: Customer No./Product/Assignee: RFE/Prior Date/Con US/Ext For: Actions/Due Dates: Misc/MGM/Tech/Abn/Comus

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JANUARY 6, 2005

ATTY	CLT/MAT	SERIAL NO.	DESCRIPTION	DONE?
JFD	2165-8	76/328,453	SOL or 2 <sup>nd</sup> EXT	ROLL
JFD	2165-9	76/328,452	SOL or 2 <sup>nd</sup> EXT	ROLL
RWA	790-933	75/692,625	SOL or 2 <sup>nd</sup> EXT	Express Mdm
DMB	4272-3	61/534,361	ADM CONSIDER	Abandon
FPP	2939-8	76/462,747	SOL or 2 <sup>nd</sup> EXT	7-28/5cr.
PLW	141-375	10/102,379	6 mo RESP	Abandon
BSS	3665-75	10/1979,756	6 mos RESP	11-8
LSJ	2018-713	10/1443,126	6 mo RESP	11-8
LCM	2370-110	10/167,652	1 mo Resp (S&T)	11-22
LCM	2911-11	10/470,155	1 mo Resp (S&T)	8-4
MSW	39-267	10/182,187	1 mo Resp. (S&T)	Abandoned
DMB	10-1334	76/230,244	1 mo to mo Resp. (S&T)	1-6
RWA	36-1393	09/674,073	6 mo Resp. (S&T)	ICE
TC	461-18	10/073,509	6 mo Resp. (S&T)	NON OA
PLW	160-389	10/651,591	6 mo Resp.	1-5
FPP	2834-9	09/335,045	6 mos Resp	Drop
PLW	2372-05	09/051,596	6 mo Resp	10-5
PLW	1497-116	10/311,012	6 mos RESP	10-4
PLW	1579-827	10/457,071	1 mo RESP (S&T)	11-8
PLW	723-1069	09/842,323	6 mo Resp.	1-6
LCM	4441-4	10/810,851	1 mo Resp. (S&T)	drop
PLW	14461-3	09/723,329	6 mos Resp. (S&T)	allowd
SCS	553-66	10/287,825	6 mos Resp.	Aband
DJB	336-31	76/531,441	SOL or 1 <sup>st</sup> EXT	ROLL
JFH	220-60	76/527,141	SOL or 1 <sup>st</sup> EXT	11-18
PLW	3652-35	76/231,264	SOL or 1 <sup>st</sup> EXT	12-29 SPC
RWA	375-19	76/039,365	SOL or 1 <sup>st</sup> EXT	1-3-05
RWA	790-1300	76/479,026	SOL or 1 <sup>st</sup> EXT	ROLL
RWA	918-68	76/494,912	SOL or 1 <sup>st</sup> EXT	ROLL 1-3-05
RWA	790-1376	76/481,293	SOL or 1 <sup>st</sup> EXT	1-3-05
RWA	2018-664	10/337,896	Issue Fee/ Dktg   Publ Fee 1-4 Dktg   Publ Fee	1-4
LCM	604-716	10/800,746	Issue Fee/ Dktg   Publ Fee	12-29
PLW	2018-382	9/775,594	Issue Fee/ Dktg   Publ Fee 11-26 Dktg   Publ Fee	11-26
PLW	1417-443	10/686,776	Issue Fee/ Dktg   Publ Fee 12-22 Dktg   Publ Fee	11-23
AMC	839-1372	10/646,731	Issue Fee/ Dktg   Publ Fee	1-3-05
PLW	900-4167	10/458,736	3 MO RESP	1-3-05

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JANUARY 6, 2005

ATTY	CLT/MAT	SERIAL NO.	DESCRIPTION	DONE?
WFG	4380-120	10/315,152	3 MO Resp/FR	Roll
HWB	1035-471	10/610,194	3 MO Resp	1-3-05
BHD	4185-3	10/234,851	3 MO Resp	Roll
PTB	1207-97	10/378,679	3 MO Resp	Roll
MISS	839-1013	9/678,521	3 MO Resp	Roll
RYM	922-478	9/2860,469	3 MO Resp/FR	1-6
LCM	606-250	9/197,919	3 MO Resp/FR	Roll
RUM	36-1359	9/623,977	3 MO Resp	1-6
MSW	39-2446	9/963,604	3 MO Resp/FR	Roll
JAR	944-101	9/369,386	3 MO Resp	Roll
HWB	2380-166	09/545,872	3 MO Resp/FR	11/24
SCS	550-313	10/152,331	ISSUE Fee + Drop + Publ. Fee	12-30
LSN	2018-605	10/246,518	ISSUE Fee + Drop + Publ. Fee	1-18
PTM	839-289	09/906,001	ISSUE Fee + Drop + Publ. Fee	1-6
JAR	550-449	10/470,347	ISSUE Fee + Drop + Publ. Fee	12-22
JAR	3691-311	09/963,396	3 mo Resp	Roll
PTB	14448-4	10/1735,851	3 mo Resp	1-6
BTS	2350-73	09/311,241	3 mo Resp	1-5-05
BTS	620-212	10/202,824	3 mo Resp/FR	Roll
GRT	117-372	10/109,171	3 mo Resp	Roll
MAW	1579-729	10/229,286	3 mo Resp	Roll
APC	1430-279	10/407,204	ISSUE Fee + Drop	12-18
GRT	117-439	10/356,733	1 mo Resp. (2 ext)	12-6
GRT	1303-132	09/675,308	1 mo Resp. (2 ext)	Roll
BTS	620-179	10/108,826	1 mo Resp (2 ext)	Abandon
PTM	36-1384	09/674,706	5 mo Resp	1-6
PTM	249-313	10/176,10/917,171	Drop / 1st ext	11/24
JAR	3691-474	10/289,244	1 mo Resp (non com)	1-3-
DWB	2590-93	10/498,906	1 MO Resp (F)	12-27
AMK	2802-5	9/617,005	1 MO Resp (non reg)	12-13
BHD	1005-192	110/178,064	1 MO Resp (Recnt AB)	12-30
LSN	1418-29	10/104,070	1 MO Rest Resp	Roll
JRL	3660-32	9/118,441	5 mo Resp	Roll
SCS	5103-7	9/241,638	5 MO Resp /FR	Roll
DWB	927-301	10/1434,428	5 mo or 2nd ext	Roll

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